

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert L. Follis, and
Georgia K. Follis,

Civil No. 10-815 (DWF/RLE)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

State Armory Building
Commission,

Defendant.

Robert L. Follis and Georgia K. Follis, *Pro Se*, Plaintiffs.

This matter is before the Court upon Plaintiffs Robert L. Follis and Georgia K. Follis' ("Plaintiffs") objections to Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated March 29, 2010, recommending that: (1) Plaintiffs' Application to Proceed *in forma pauperis* be denied as moot; and (2) this action be summarily dismissed pursuant to Title 28 U.S.C. § 1915(3)(2)(B)(iii).

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiffs' objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiffs Robert L. Follis and Georgia K. Follis' objections (Doc. No. [5]) to Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated March 29, 2010, are **DENIED**.

2. Chief Magistrate Judge Raymond L. Erickson's Report and Recommendation dated March 29, 2010 (Doc. No. [4]), is **ADOPTED**.

3. The Plaintiffs' Application to Proceed *In Forma Pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.

4. The Plaintiffs' Application to Proceed *In Forma Pauperis* (Doc. No. [6]) is **DENIED AS MOOT**.

5. This action is **SUMMARILY DISMISSED** pursuant to Title 28 U.S.C. §1915(e)(2)(B)(iii).

Dated: May 3, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge